

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COMBINED DECLARATION AND POWER OF ATTORNEY

FOR SOLE INVENTOR (C-I-P APPLICATION)

As the below named inventor I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor, of the subject matter which is claimed and for which a patent is sought on the invention entitled as follows: **ANIMAL SERUM PRODUCT FOR GUT MUCOSAL PROTECTION AND PREVENTION OF INFECTION BY VEROTOXIN-PRODUCING ORGANISMS**, the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code Of Federal Regulations, Section 1.56. I further declare that no application for patent or inventor's certificate on this invention has been filed by me, my legal representative or assigns in any country foreign to the United States of America except as identified below:

NONE.

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112.

I acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS
DESIGNATING THE U.S. FOR BENEFIT
UNDER 35 U.S.C. § 120:

U.S. APPLICATIONS

Status (Check One)

| Appln. No. | Filing Date | | Patented | Pending | Abandoned |
|------------|-------------|--|----------|---------|-----------|
| 09/210,490 | 12/11/98 | | | X | |
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PCT APPLNS. DESIGNATING THE U.S.

| PCT Appln. No. | PCT Filing Date | U.S. Serial No. Assigned (if any) | Patented | Pending | Abandoned |
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And I hereby appoint ZARLEY, McKEE, THOMTE, VOORHEES & SEASE, comprising Donald H. Zarley, Registration No. 18,543; Bruce W. McKee, Registration No. 19,651; Dennis L. Thomte, Registration No. 22,497; Michael G. Voorhees, Registration No. 25,715; Edmund J. Sease, Registration No. 24,741; Mark D. Hansing, Registration No. 30,643; Kirk M. Hartung, Registration No. 31,021; Mark D. Frederiksen, Registration No. 31,357; Daniel J. Cosgrove, Registration No. 36,770; Michael R. Crabb, Registration No. 37,298; Heidi Sease Nebel, Registration No. 37,719; Wendy K. Marsh, Registration No. 39,705; and Jeffrey D. Harty, Registration No. 40,639; 801 Grand Avenue, Suite 3200, Des Moines, Iowa 50309, Telephone 515-288-3667, as my attorneys to prosecute this application and to transact all business in the Patent Office connected therewith.

I hereby declare that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

66320: 653360

SIGNATURE

Inventor's signature: Eric M. Weaver Date: 2/25/99

Full name of sole inventor: Eric M. Weaver

Residence: Story City, Iowa

Post Office Address: 327 Lafayette Avenue
Story City, Iowa
50248

Country of Citizenship: United States of America

This declaration ends with this page.

Applicant or Patentee: Eric M. Weaver

Serial No. or Patent No: _____

Filed or Issued: _____

For: ANIMAL SERUM PRODUCT FOR GUT MUCOSAL PROTECTION AND PREVENTION OF
INFECTION BY VEROTOXIN-PRODUCING ORGANISMS**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(d) AND 1.27(e)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN LG LaboratoriesADDRESS OF CONCERN 2501 North Loop Drive, Suite 800, Ames, Iowa 50010

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 37 CFR 1.21.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled ANIMAL SERUM PRODUCT FOR GUT MUCOSAL PROTECTION AND PREVENTION OF INFECTION BY VEROTOXIN-PRODUCING ORGANISMS by inventor(s) Eric M. Weaver, described in

☒ the specification filed herewith.☐ application Serial No. _____, filed _____☐ Patent No. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL☐ SMALL BUSINESS CONCERN☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of payment, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME AND TITLE OF PERSON SIGNING Nix Lauridsen, PresidentADDRESS OF PERSON SIGNING LG Laboratories, 2501 North Loop Drive, Suite 800, Ames, Iowa 50010

SIGNATURE _____

DATE

2/25/99